

Application No. 10/056,845
Amendment dated May 19, 2006
Reply to Office Action dated January 19, 2006

REMARKS/ARGUMENTS

The Office Action dated January 19, 2006, has been reviewed in detail and it is noted that Claims 3, 6 and 17 have been amended herein. The claims have been amended in the sincere effort to place the same in condition for allowance.

Applicant retains the right to pursue broader claims via a continuing application under 35 U.S.C. § 120.

Objection to Claim 3

In the outstanding Office Action the Examiner stated that "Claim 3 is objected to because of the following informalities: in line 1, "claim1" should be --claim 1--."

In response to this objection the claim number has been corrected to read "claim 1." Therefore, reconsideration and withdrawal of this objection are respectfully requested.

Rejection of Claims 6 and 17-25 Under 35 U.S.C. § 112, second paragraph:

In the outstanding Office Action the Examiner rejected claims 6 and 17-25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim and subject matter which applicant regards as the invention. Specifically, the Examiner stated:

Claims 6 & 17 recite the limitation "the first and second metal oxide are collectively from about 50 to about 99 weight percent". However, it would appear from the instant specification on page 4, last paragraph, that the disclosure of "about 50 to about 99 weight percent" is the sum of all three metal oxides, which is the first, second, and third metal oxides. If the claimed range is only for the first and second metal oxides then the claims do not require the third metal oxide presence in the catalyst. The claims do not particularly point out what is being claimed, thus renders the claims unclear, vague and indefinite.

In response thereto, claims 6 and 17 have been amended herein to make clear that the sum of all three metal oxides is indeed, as the Examiner suggested, "about 50 to about 99 weight

Application No. 10/056,845
Amendment dated May 19, 2006
Reply to Office Action dated January 19, 2006

percent.” Therefore, it is believed claims 6 and 17 have been amended in a manner to overcome this rejection. Because claims 18-25 depend from claim 17, they too are now believed to overcome this rejection.

Based on the above, reconsideration and withdrawal of the present rejection are respectfully requested.

Double Patenting

In the outstanding Office Action claims 1, 3, 5-11, & 17-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, 11, & 13-16 of copending Application No. 10/342,600.

Section 804, Paragraph 8.33 of the Manual of Patent Examining Procedure states:

“A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.”

Without addressing the merits of the Examiner’s double patenting rejection, the Applicants have submitted herewith a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection in compliance with 37 C.F.R. § 1.321. The Applicants have also enclosed a Statement executed by the attorney of record attesting that the co-pending application No. 10/342,660, and the instant application, claim inventions which were made as a result of activities undertaken within the scope of a joint research agreement. Accordingly, the Applicants respectfully request the Examiner to reconsider and withdraw the double patenting rejection in light of the Terminal Disclaimer.

Application No. 10/056,845
Amendment dated May 19, 2006
Reply to Office Action dated January 19, 2006

CONCLUSION

It is submitted that the Applicants have submitted new and unique Stabilized Tin-Oxide-Based Oxidation/Reduction Catalysts. In view of the above, it is submitted that the double patenting rejection is now moot and Claims 1, 3, 5-11, and 17-25 are in condition for allowance. Therefore, it is requested that a Notice of Allowance be issued at an early date.

Respectfully submitted,



Helen M. Galus
Reg. No. 40,615
NASA Langley Research Center
Mail Stop 141
Hampton, VA 23681-2199
757-864-3227 (phone)
757-864-9190 (facsimile)
Customer No. 23351

23351